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PARKRIDGE LIMITED AND MABEL MAK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PARKRIDGE LIMITED, a Hong Kong corporation, by Mabel Mak, and MABEL MAK, an individual,

Plaintiffs,

V.

INDYZEN, INC., a California corporation, and PRAVEEN NARRA KUMAR, an individual,

Defendants.

Case No. 4:16-cv-07387-JSW
GRANTING
PROPOSED ORDER TO COUNTER-
DEFENDANT PARKRIDGE LIMITED'S
MOTION TO DISMISS COUNT 3 OF
COUNTERCLAIMS RE: FRAUD
AND GRANTING RANDY DOBSON'S MOTION
TO DISMISS BOTH WITH LEAVE TO AMEND
(Dkt. Nos. 135, 136)

Hon. Jeffrey S. White

Date: July 31, 2020

Time: 9:00 a.m.

Dept.: Courtroom 5, 2nd Floor

Complaint Filed: December 29, 2016

INDYZEN, INC., a California corporation,

Counter-Plaintiffs,

V.

PARKRIDGE LIMITED, a Hong Kong corporation and RANDY DOBSON, an individual,

Counter-Defendants.

Case No. 4:16-cv-07387-JSW

PROPOSED ORDER TO COUNTER-DEFENDANT PARKRIDGE LIMITED'S MOTION TO DISMISS COUNT 3 OF COUNTERCLAIMS RE: FRAUD

1 **IT IS HEREBY ORDERED THAT** Counter-Defendant Parkridge Limited's Motion to
2 Dismiss Count 3 of Counterclaims ~~is granted.~~ and Counter-Defendant Randy Dobson's
3 Motion to Dismiss Count 3 are GRANTED with leave to amend. (See below.)

4

5 **IT IS SO ORDERED.**

6

7 DATED: August 31, 2020



Hon. Jeffrey S. White
United States ~~Magistrate~~ Judge

8

9 Defendant and counter-claimant Indyzen, Inc. may file an amended
10 counterclaim for fraud by no later than September 14, 2020 to allege
11 sufficient facts for the Court to adjudicate whether any fraud claim may
12 proceed.

13 Any amended counterclaim must conform with Federal Rule of Civil
14 Procedure 11(b) and be consistent with former representations to the
15 Court; must demonstrate that the fraud alleged concerns only the
16 payments at issue and therefore may fall outside the scope of the
17 arbitration; and must conform with Federal Rule of Civil Procedure 9(b)
18 and state with particularity any and all facts supporting the
19 contentions of justifiable reliance and harm.

20 In addition, any amended counterclaim for fraud as against counter-
21 defendant Randy Dobson must set forth specific facts indicating how the
22 Court may exercise personal jurisdiction over Dobson in his individual
23 capacity taking into account the findings made in arbitration. Indyzen,
24 Inc. must also set forth specific facts regarding its efforts at service,
past or future.

25 Should Indyzen, Inc. elect to file an amended counterclaim for fraud and
26 the Court determine that it fails to comply with this order, the Court
27 shall consider levying sanctions in addition to dismissal without leave
28 to amend.